the suit is still pending if time still remains for application for modification of the opinion. *State* v. *Tugwell,* 19 Wash. 238, 52 Pac. 1056, 43 L. R. A. 717. Case was not pending in lower court while pending in upper court on appeal. *In re Dalton, supra; Dunham* v. *State,* 6 Iowa, 245. In *Post* v. *State, supra,* and *Metzger* v. *Gounod,* 30 L. T. N. S. 264, it was held that a trial is not pending after judgment, although the time within which to move for new trial has not expired; but there is a dictum in *Fishback* v. *State,* 131 Ind. 304, to the contrary effect. In the principal case, although judgment had been rendered and the Secretary of State had been instructed to proceed with the printing of the ballots in accordance with that judgment, and although the carrying out of these instructions was not held up until the petition for rehearing had been acted upon, nevertheless the case was held to be still pending because the rules of the court allowed 20 days for the filing of a motion for rehearing. We have here a good illustration of the liberality of some courts in deciding when a case is pending before them.

CONTRACTS—MUTUAL BENEFIT ASSOCIATIONS.—Defendant is a mutual benefit association organized under the laws of Massachusetts, and plaintiff became a member of it in 1883, at which time the death rate of assessment upon members was $1.80 for each death. In 1898 the rate was changed, with the consent of plaintiff, to $3.16 for each death. In 1905 defendant again changed its rates so as to assess plaintiff $6.87 per month. The last change was made without notice to plaintiff and without his consent. Plaintiff in his application for membership agreed to "conform in all respects to the laws, rules and usages of the order now in force or which may hereafter be adopted." Plaintiff brings this action to obtain adjudication of his rights on the contract. *Held* that defendant under the above reservation of power to amend its by-laws is not authorized to amend the laws of the order so as to increase plaintiff's assessment. *Green* v. *Supreme Council of Royal Arcanum,* (N. Y. 1912.) 100 N. E. 411.

The New York Court adheres to the view taken under similar facts in *Wright* v. *Maccabees,* 196 N. Y. 391, 89 N. E. 1078, 31 L. R. A. (N. S.) 423; *Ayres* v. *Order of United Workmen,* 188 N. Y. 280, 80 N. E. 1020; *Dowdall* v. *Sup. Council Cath. Mut. Ben. Ass'n,* 196 N. Y. 405, 89 N. E. 1078, 31 L. R. A. (N. S.) 417. The view of the principal case is also supported in *Smythe* v. *Sup. Lodge,* 198 Fed. 967; *Olson* v. *Ct. of Honor,* 100 Minn. 117, 110 N. W. 374; *Wilcox* v. *Ct. of Honor,* 134 Mo. App. 547, 114 S. W. 155; *Fort* v. *Iowa Legion of Honor,* 146 Iowa 183, 123 N. W. 224; *Council of Honor* v. *Rauch* (Ind.) 95 N. E. 1018; *Hale* v. *Equitable Aid Union,* 168 Pa. 377, 31 Atl. 1066; *Gaunt* v. *Sup. Council,* 107 Tenn. 603, 64 S. W. 1070. Cases holding contrary to the principal case are: *Reynolds* v. *Sup. Council,* 192 Mass. 150, 78 N. E. 129; *Royal Arcanum* v. *McKnight,* 238 Ill. 349, 87 N. E. 229; *Williams* v. *Sup. Council,* 152 Mich. 1, 115 N. W. 1060. See note on the general question in 11 MICH. L. REV. 318.

CONTRACTS—PUBLIC POLICY.—Plaintiff, an attorney with an established practice, and defendant, a young attorney without experience, formed a partnership, stipulating in a partnership agreement as to the division of the